United Nations S/2018/560

Security Council

Distr.: General
26 July 2018

Original: English

Letter dated 24 July 2018 from the Chargé d'affaires a.i. of the Permanent Mission of Poland to the United Nations addressed to the Secretary-General

I have the honour to submit herewith a summary of the open debate held by the Security Council on 17 May 2018 on upholding international law within the context of the maintenance of international peace and security, prepared by Poland as the President of the Security Council in May 2018 (see annex).

I would like to take this opportunity to express gratitude for your contribution to the debate, through the remarks delivered by your Chef de Cabinet, Ms. Maria Luiza Ribeiro Viotti.

I would be grateful if the present letter and its annexes could be circulated as a document of the Security Council.

(*Signed*) Paweł **Radomski**
Chargé d'affaires a.i.

18-12442 (E) 310718

Please recycle

Annex to the letter dated 24 July 2018 from the Chargé d'affaires a.i. of the Permanent Mission of Poland to the United Nations addressed to the Secretary-General

Summary of the open debate held by the Security Council on 17 May 2018 on upholding international law within the context of the maintenance of international peace and security

Introduction

The open debate on upholding international law within the context of the maintenance of international peace and security was held by the Security Council on 17 May 2018, during the presidency of Poland. It featured briefings by the Chef de Cabinet, Ms. Maria Luiza Ribeiro Viotti, on behalf of the Secretary-General, the former President of the International Court of Justice, Judge Hisashi Owada, on behalf of the President of the International Court of Justice, and the President of the International Residual Mechanism for Criminal Tribunals, Judge Theodor Meron.

The debate, chaired by the President of the Republic of Poland, Mr. Andrzej Duda, was focused on three main themes (see the concept note, S/2018/417/Rev.1, annex):

- Promoting the peaceful settlement of disputes, including through the employment of appropriate means set forth in, inter alia, Chapter VI of the Charter of the United Nations: diplomacy, calling for negotiation, enquiry, good offices, mediation, conciliation, arbitration, judicial settlement in particular by the International Court of Justice, resorting to regional agencies or arrangements as well as to other peaceful means, with a view to preventing and ending conflicts.
- Increasing respect for international law, in particular international human rights law and international humanitarian law, during conflicts in the context of the emergence of new kinds of threats therein and the evolving nature of conflicts.
- Upholding accountability, in particular for the most serious violations of international humanitarian law and human rights law, including by considering steps towards facilitating the investigation and prosecution of the individuals responsible for them, with full respect for due process and the rights of the defence, and supporting efforts aimed at developing, as appropriate, national or international investigative, prosecutorial and witness protection capacities.

The importance attached to those issues was demonstrated by the number of participants at the meeting, which included 72 speakers representing United Nations Member States, including several at the high political level, and observers to the United Nations. Many of them, apart from voicing support for and commitment to the above-stated goals and offering remarks of a more general nature, as well as assessing selected situations, commented on the role that the Security Council, in particular, and the wider United Nations membership play and could play in respective areas. While acknowledging the contribution of these actors, the debate participants often called for their further engagement and activity, providing actionable ideas in that regard.

This summary attempts to capture those views and the proposals that emerged from the debate, the full record of which is available on the Security Council website (S/PV.8262). It does not necessarily represent endorsement of certain postulates.

Views and proposals of the members of the Security Council

Promoting the peaceful settlement of disputes

- Hold, on a more systematic basis, early discussions on situations involving a risk of violent conflict, make better use of United Nations and regional mechanisms' early-warning tools and strengthen cooperation and partnerships with regional and subregional organizations to bring insight and perspectives on emerging threats and conflicts, prevent and respond to them and promote understanding, peace and reconciliation.
- Elaborate a test-based algorithm that could serve as an informal guide for Council members on how to properly and transparently fulfil in a timely manner the Council's primary responsibility with regard to conflict situations, including acts of aggression.
- Request the United Nations Secretariat to prepare an analytical report on action taken by the Council before and after conflicts in order to detect weak points and help to avoid similar gaps and mistakes in the future.
- Request a report by the Secretary-General on the various modalities of dispute settlement included in Chapter VI of the Charter of the United Nations.
- Request advisory opinions of the International Court of Justice to clarify certain legal issues involved in situations before the Council.
- Call on States to settle their disputes by peaceful means and recommend particular means to them, taking into consideration the fact that, as enshrined in Article 36 of the Charter, "legal disputes should as a general rule be referred by the parties to the International Court of Justice"; in case of non-compliance with the Court's ruling, make recommendations or decide upon measures to be taken to give effect to it.
- More frequently task the Secretary-General with trying to assist States to reach a settlement by his good offices, support the initiatives of States and other stakeholders, including regional bodies, in this respect or establish a subsidiary organ or a peacekeeping operation with a relevant mandate for this purpose.

Increasing respect for international law

- Act in accordance with the applicable international law and as a defender of the integrity of the norms that form the collective security system, promote them and abide by them with fairness, uniformity and consistency.
- Ensure that respect for international humanitarian law, international human rights law and other relevant rules, norms and standards is included in accountability processes and peacekeeping operations and political missions mandates; work with other parts of the United Nations system, in particular the Peacebuilding Commission, the Rule of Law Coordination and Resource Group and the Rule of Law Unit, to ensure the sustainability of rule-of-law assistance measures after the termination of relevant United Nations operations.
- Support the Geneva-based intergovernmental process on strengthening respect for international humanitarian law.
- If necessary, take collective, proportional and reasoned action in cases of violations of international law constituting a breach of peace or a threat thereto, including by introducing or updating, when appropriate, targeted sanctions, while ensuring that they are reconciled with the rule of law, due process and

human rights, and that ways to avoid their undesirable consequences are considered.

- Explain the content of Security Council resolutions through such efforts as briefings to the Member States and the publication of more user-friendly information on the main features of proposed sanctions regimes, in addition to closely monitoring the implementation of such resolutions.

Upholding accountability

- Support the establishment, where appropriate, of accountability mechanisms, truth and reconciliation commissions and properly sequenced transitional justice strategies, including prosecutions, reparations and institutional reform, ensuring access to justice for those who often suffer disproportionately in conflict, in particular women, children and persecuted religious or ethnic groups.

- Develop and publicly adopt objective criteria to asses and, where appropriate, consider steps to be taken with respect to all credible allegations of international crimes passing a certain threshold, and refer possible violations of international law to appropriate judicial organs for further action.

- Refrain from voting against a credible draft resolution on timely and decisive action to end the commission of genocide, crimes against humanity or war crimes, or to prevent such crimes; refer to the International Criminal Court situations in which such atrocities are being committed and where the national authorities bearing the primary responsibility for prosecuting those crimes are not in a position to do so.

- Develop structured dialogue and cooperation with the International Criminal Court; follow up on the work of the Court in the case of Security Council referrals, including by working to ensure that they are accompanied by ongoing support with respect to the execution of arrest warrants and the provision of adequate financial resources; demonstrate support for the Court in instances of non-cooperation of States and consistently apply guidelines on contact with persons who are subject to arrest warrants and summonses.

- Strengthen the rule-of-law mandate components of United Nations political and peacekeeping missions, including assistance in investigations or the arrest of those suspected of the most serious crimes of international concern.

Views and proposals of United Nations Member States

Promoting the peaceful settlement of disputes

- Build partnerships towards enhancing capacities for early warning and response, as well as national expertise in mediation and preventive diplomacy.

- Settle disputes by peaceful means, in good faith and with goodwill, in such a manner that international peace and security as well as justice are not endangered, including through dialogue, substantive negotiations, recourse to regional bodies or arrangements and arbitration by judicial mechanisms, primarily the International Court of Justice; accept the jurisdiction of the Court and give consideration to withdrawing reservations to it.

- Support the efforts of the Secretary-General, the Security Council and others in support of political processes, mediation, peaceful conflict resolution, peacebuilding and sustaining peace; refrain from conduct that would sabotage peaceful settlement of a dispute.

Increasing respect for international law

- Comply with the provisions of the Charter of the United Nations, including those regarding the sovereignty and territorial integrity of States as well as the use of force or threat thereof; react to any violations of the Charter that constitute a threat to international peace, security and stability, such as annexation, which in particular should not be recognized.
- Ratify and encourage the ratification of instruments of international human rights and humanitarian law without reservations, withdraw the reservations already made and keep in mind that given the emergence of new threats and challenges it may be necessary to further develop the legal framework in order to better deal with them.
- Promote the international rule of law, a rules-based international order and respect for the international legal framework critical to the maintenance of international peace and security, as well as international human rights law and international humanitarian law, including by engaging with the International Committee of the Red Cross initiative on strengthening respect for international humanitarian law.
- Increase capacity-building to enhance wider appreciation of and respect for international obligations in the context of peace and security, including by enhancing the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

Upholding accountability

- Strengthen national accountability mechanisms, with full respect for due process and the rights of the defence, including building investigative, prosecutorial and witness-protection capacities, with a view to preventing and prosecuting atrocity crimes and using every legal tool available, including universal jurisdiction, in order to close the accountability gap.
- Engage with the United Nations Secretariat during the process of establishing and supporting accountability mechanisms to help to ensure that the framework for the establishment of any mechanism conforms with applicable United Nations standards and policies; support such mechanisms, ensure that they are adequately resourced, including by contributing to relevant trust funds, and that political considerations are not allowed to undermine their independence and impartiality in the conduct of their proceedings.
- Comply with judicial orders, arrest warrants and requests for investigative cooperation of the existing international courts, such as the International Criminal Court, use soft and hard forms of leverage to convince others to do likewise, support fugitive-related investigations, enforce sentences against convicted persons and assist with the relocation and protection of vulnerable witnesses.

United Nations S/2018/561

Security Council

Distr.: General
27 July 2018

Original: English

Letter dated 26 July 2018 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I am writing to inform you that on 25 July 2018, two very large crude carriers, each with a 2-million-barrel capacity, operated by the Saudi National Shipping Company (Bahri) and transporting Saudi Aramco crude oil were attacked by terrorist Houthi militias in the Red Sea. One of the ships sustained minimal damage and no injuries or oil spill has been reported.

The Kingdom of Saudi Arabia condemns in the strongest terms the continuation of the Houthi militias' terrorist attacks backed by Iran against international maritime trade routes. Furthermore, the Kingdom of Saudi Arabia notes with regret that the Security Council's inaction in the face of blatant violations of its resolutions, in particular the arms embargoes established pursuant to resolutions 2216 (2015) and 2231 (2015), has allowed Iran to furnish the Houthi terrorist militias with large stockpiles of ballistic missiles, unmanned aerial vehicles and sea mines. The Houthis have used and will continue to use these illegally obtained weapons to threaten the borders of the Kingdom of Saudi Arabia, the stability of the Middle East and the safety of international maritime navigation in the Red Sea and the Bab al-Mandab strait. As a result, in the interest of the safety of ships and their crews and to avoid the risk of oil spill that can spark an environmental disaster, my Government has temporarily halted all oil shipments through the Bab al-Mandab strait with immediate effect.

The Kingdom of Saudi Arabia calls for the full implementation of all relevant Security Council resolutions in order to prevent the Houthi militias' use of the Hudaydah seaport as a launch pad for their numerous terrorist operations, which undermine the efforts that the Special Envoy for Yemen, Martin Griffiths, is exerting to reach a peaceful solution. The Kingdom of Saudi Arabia also calls for the prevention of the smuggling of additional weapons to the Houthis, and to hold violators of the arms embargo accountable. The Kingdom of Saudi Arabia furthermore calls for the Security Council to take urgent measures to address the stockpile of Houthi weapons and to disarm this terrorist militia, in order to prevent the escalation of these attacks which raise regional tensions and raise the risks of a broader regional confrontation.

Finally, my delegation requests for the present letter to be circulated as a document of the Security Council, and informs you that a copy of the present letter will be forwarded to the Secretary-General of the United Nations.

(*Signed*) Abdallah Y. **Al-Mouallimi**
Permanent Representative

18-12462 (E) 300718

Please recycle

United Nations S/2018/562

Security Council

Distr.: General
31 July 2018
English
Original: Arabic

Identical letters dated 26 July 2018 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General and the President of the Security Council

Further to my previous letters regarding the consequences of the blockade of Qatar and the illegal and discriminatory measures that have been imposed against it since 5 June 2017, and upon instructions from my Government, I am writing to you to follow up on the binding decision that the International Court of Justice, acting pursuant to its Statute, rendered on 23 July 2018 approving the request of Qatar for interim measures to be taken against the United Arab Emirates, which has taken discriminatory measures against Qatari nationals in violation of the International Convention on the Elimination of All Forms of Rac al Discrimination. In its order, the Court indicated the United Arab Emirates must ensure that:

- Families that include a Qatari, separated by the measures adopted by the United Arab Emirates on 5 June 2017, are reunited;
- Qatari students affected by the measures adopted by the United Arab Emirates on 5 June 2017 are given the opportunity to complete their education in the United Arab Emirates or to obtain their educational records if they wish to continue their studies elsewhere;
- Qataris affected by the measures adopted by the United Arab Emirates on 5 June 2017 are allowed access to tribunals and other judicial organs of the United Arab Emirates.

The decision of the Court in favour of Qatar is a recognition by the highest international judicial body of the validity of the legal position of Qatar with regard to the crisis that has been concocted against it. The decision also upholds the rights of Qatari nationals who have been affected by the coercive, unilateral, illegal and discriminatory measures taken against and the unjust blockade of Qatar, both of which are aimed at achieving goals that violate international law and are based on clearly invalid allegations. Moreover, the decision of the Court reaffirms that Qatar has been correct to address the crisis and its impact on international peace and security, as well as its humanitarian consequences, through international law, international and bilateral instruments, and international conflict-resolution mechanisms.

The above-mentioned decision was the result of the first of a series of legal proceedings that have been instituted by Qatar at the International Court of Justice against the violations arising the from the illegal, unilateral, coercive and discriminatory measures that have been taken against its nationals.

18-12665 (E) 010818 020818

Please recycle

Qatar underscores that it is striving to de-escalate the situation, promote good-neighbourly relations and find a solution to the current crisis in the Gulf region through unconditional dialogue that is based on mutual respect for sovereignty. That notwithstanding, it reaffirms that it will unfailingly protect the interests and rights of Qatari nationals and residents, and will continue to defend those interests and rights by legal means and in accordance with established international practice.

I should be grateful if you would have the present letter issued as a document of the Security Council.

(*Signed*) Alya Ahmed Saif **Al-Thani**
Permanent Representative

United Nations S/2018/563

Security Council

Distr.: General
27 July 2018

Original: English

Letter dated 26 July 2018 from the Permanent Representative of Yemen to the United Nations addressed to the President of the Security Council

Please find attached hereto a statement by the Government of Yemen condemning the terrorist attack by the Houthi militias against the Saudi oil tankers in the Red Sea (see annex).

I would greatly appreciate it if the present letter and its annex could be circulated as a document of the Security Council .

(*Signed*) Ahmed Awad **BinMubarak**
Ambassador
Permanent Representative

18-12528 (E) 310718

Please recycle

Annex to the letter dated 26 July 2018 from the Permanent Representative of Yemen to the United Nations addressed to the President of the Security Council

Statement by the Government of Yemen on the Houthis' attack on Saudi Oil Tankers in the Red Sea

26 July 2018

The Government of the Republic of Yemen condemns the Houthis' attack on the two oil tankers belonging to the National Shipping Company of Saudi Arabia, each carrying 2 million barrels of crude oil, after crossing the Bab al-Mandeb Strait in the Red Sea on Wednesday morning (July 25, 2018).

The Government calls on the international community to support its campaign efforts to liberate the western coast of Yemen from the Iranian-backed Houthi militias and to pressure them to withdraw from Hodeida. The Government stresses that the continued Houthi control of Hodeida's strategic harbor and the western coast will pose a threat to international navigation.

This terrorist attack was not the first but comes in the context of similar operations carried out by the Houthis to threaten the international shipping movement and to harm the interests of Yemen and the world. The Houthis have in the past targeted an Emirati cargo ship, launched repeated attacks on other ships, and planted hundreds of sea mines that threaten Yemeni fishermen and shipping lanes in the Red Sea.

The Government points out that this terrorist attack took place while the Special Envoy of the UN Secretary-General for Yemen, Mr. Martin Griffiths, is in the capital city Sanaa carrying out his mediation efforts on Hodeida. The Government further notes that this attack came about right after Iran's threats on international shipping lanes and oil exports from neighboring countries.

The Government points out that over the past three years, and during every round of the previous peace talks, the Houthis had always sought to undermine peace by instigating crises which constitutes a major challenge to the peace process in Yemen.

The Government reiterates its call for the international community's support to put an end to such terrorist attacks by the Houthis in accordance with international maritime laws and conventions. The Government further stresses that the safety of international maritime navigation in the Red Sea and the Bab al-Mandeb strait is one of its priorities and that it will not allow any party to harm its vital interests.

United Nations S/2018/564

Security Council

Distr.: General
26 July 2018

Original: English

Credentials of the alternate representative of Sweden on the Security Council

Report of the Secretary-General

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 26 July 2018 from the Permanent Representative of Sweden to the United Nations stating that Mr. Anders Skiöldebrand has been appointed alternate representative of Sweden on the Security Council.

In the opinion of the Secretary-General, that letter constitutes adequate provisional credentials.

18-12508 (E) 300718

Please recycle

United Nations S/2018/565

Security Council

Distr.: General
31 July 2018

Original: English

Letter dated 23 July 2018 from the Permanent Representative of Greece to the United Nations addressed to the Secretary-General and the President of the Security Council

Following the joint letter of 12 July 2018, signed by the Permanent Representative of the Federal Republic of Germany, Christoph Heusgen, and the Permanent Representative of the Republic of Turkey, Feridun H. Sinirlioğlu, on behalf of 40 Member States (S/2018/700), I have the honour to write to you to express Greece's willingness to be considered among the countries that have endorsed this initiative.

Greece has repeatedly expressed its concern, on various occasions, over the serious implications of the implementation of Law No. 10 regarding the property rights of many displaced Syrians, severely hindering their return to their home country.

Therefore, we wish to join the call to protect and advocate for the rights of millions of Syrians, within the framework of the United Nations-led political process and in line with Security Council resolution 2254 (2015), in order to ensure a prosperous future in their own home.

I should appreciate it if the present letter would be circulated to the members of the Security Council and issued as a document of the Council.

(*Signed*) Maria **Theofili**
Ambassador
Permanent Representative of the Hellenic Republic
to the United Nations

18-12661 (E) 020818

Please recycle